

AMENDED IN ASSEMBLY MARCH 25, 2003

AMENDED IN ASSEMBLY MARCH 4, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 233**

**Introduced by Assembly Member Cogdill**

**(Coauthors: Assembly Members Benoit, Chavez, Cohn, Cox,  
Diaz, Dutton, Maddox, Matthews, Maze, Plescia, and Wyland)**

**(Coauthors: Senators Battin, Denham, Margett, Morrow, Oller, and  
Soto)**

January 30, 2003

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An act to amend Section 11379.7 of the Health and Safety Code, and to amend ~~Sections 666.7 and 11160~~ *Section 666.7* of the Penal Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as amended, Cogdill. Controlled substances: manufacture.

(1) Existing law provides that any person convicted of unlawfully manufacturing, or possessing specified precursors with the intent to manufacture, methamphetamine or phencyclidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present, shall be punished by an additional 2 years in the state prison.

This bill would ~~increase this enhancement to 5 years in the state prison and would~~ impose the enhancement, in addition, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age resides. The bill would make a

conforming change to a related provision. By creating new enhancements this bill would impose a state-mandated local program upon local governments.

~~(2) Existing law requires the reporting of any person suffering from any wound or other physical injury inflicted upon the person if the injury is the result of assaultive or abusive conduct. A violation of this reporting provision is a misdemeanor.~~

~~This bill would provide that for the purposes of this reporting provision “physical injury” includes, but is not limited to, the detection of amphetamine, methamphetamine, lysergic acid diethylamide, phencyclidine, or any metabolite of these controlled substances, in the saliva, urine, or blood of any child under 12 years of age. By revising the definition of an existing crime, this bill would impose a state-mandated local program upon local governments.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11379.7 of the Health and Safety Code  
 2 is amended to read:  
 3 11379.7. (a) Except as provided in subdivision (b), any  
 4 person convicted of a violation of subdivision (a) of Section  
 5 11379.6 or Section 11383, or of an attempt to violate subdivision  
 6 (a) of Section 11379.6 or Section 11383, as those sections relate  
 7 to methamphetamine or phencyclidine, when the commission or  
 8 attempted commission of the crime occurs in a structure where any  
 9 child under 16 years of age is present or resides, shall, in addition  
 10 and consecutive to the punishment prescribed for the felony of  
 11 which he or she has been convicted, be punished by an additional  
 12 term of ~~five~~ two years in the state prison.  
 13 (b) Any person convicted of a violation of subdivision (a) of  
 14 Section 11379.6 or Section 11383, or of an attempt to violate  
 15 subdivision (a) of Section 11379.6 or Section 11383, as those



1 sections relate to methamphetamine or phencyclidine, where the  
2 commission of the crime causes any child under 16 years of age to  
3 suffer great bodily injury, shall, in addition and consecutive to the  
4 punishment prescribed for the felony of which he or she has been  
5 convicted, be punished by an additional term of five years in the  
6 state prison.

7 (c) As used in this section, “structure” means any house,  
8 apartment building, shop, warehouse, barn, building, vessel,  
9 railroad car, cargo container, motor vehicle, house car, trailer,  
10 trailer coach, camper, mine, floating home, or other enclosed  
11 structure capable of holding a child and manufacturing equipment.

12 (d) As used in this section, “great bodily injury” has the same  
13 meaning as defined in Section 12022.7 of the Penal Code.

14 SEC. 2. Section 666.7 of the Penal Code is amended to read:

15 666.7. It is the intent of the Legislature that this section serve  
16 merely as a nonsubstantive comparative reference of current  
17 sentence enhancement provisions. Nothing in this section shall  
18 have any substantive effect on the application of any sentence  
19 enhancement contained in any provision of law, including, but not  
20 limited to, all of the following: omission of any sentence  
21 enhancement provision, inclusion of any obsolete sentence  
22 enhancement provision, or inaccurate reference or summary of a  
23 sentence enhancement provision.

24 It is the intent of the Legislature to amend this section as  
25 necessary to accurately reflect current sentence enhancement  
26 provisions, including the addition of new provisions and the  
27 deletion of obsolete provisions.

28 For the purposes of this section, the term “sentence  
29 enhancement” means an additional term of imprisonment in the  
30 state prison added to the base term for the underlying offense. A  
31 sentence enhancement is imposed because of the nature of the  
32 offense at the time the offense was committed or because the  
33 defendant suffered a qualifying prior conviction before  
34 committing the current offense.

35 (a) The provisions listed in this subdivision imposing a  
36 sentence enhancement of one year imprisonment in the state prison  
37 may be referenced as Schedule A.

38 (1) Money laundering when the value of transactions exceeds  
39 fifty thousand dollars (\$50,000), but is less than one hundred fifty



- 1 thousand dollars (\$150,000) (subpara. (A), para. (1), subd. (c),  
2 Sec. 186.10, Pen. C.).
- 3 (2) Commission of two or more related felonies, a material  
4 element of which is fraud or embezzlement, which involve a  
5 pattern of related felony conduct, involving the taking of more  
6 than one hundred thousand dollars (\$100,000) (para. (3), subd. (a),  
7 Sec. 186.11, Pen. C.).
- 8 (3) Felony conviction of willful harm or injury to a child,  
9 involving female genital mutilation (subd. (a), Sec. 273.4, Pen.  
10 C.).
- 11 (4) Prior conviction of felony hate crime with a current  
12 conviction of felony hate crime (subd. (e), Sec. 422.75, Pen. C.).
- 13 (5) Harming, obstructing, or interfering with any horse or dog  
14 being used by any peace officer in the discharge or attempted  
15 discharge of his or her duties and, with the intent to so harm,  
16 obstruct, or interfere, personally causing the death, destruction, or  
17 serious physical injury of any horse or dog (subd. (c), Sec. 600,  
18 Pen. C.).
- 19 (6) Prior prison term with current felony conviction (subd. (b),  
20 Sec. 667.5, Pen. C.).
- 21 (7) Commission of any specified offense against a person who  
22 is 65 years of age or older, blind, a paraplegic or quadriplegic, or  
23 under 14 years of age (subd. (a), Sec. 667.9, Pen. C.).
- 24 (8) Showing child pornography to a minor prior to or during the  
25 commission or attempted commission of any lewd or lascivious  
26 act with the minor (subd. (a), Sec. 667.15, Pen. C.).
- 27 (9) Felony conviction of forgery, grand theft, or false pretenses  
28 as part of a plan or scheme to defraud an owner in connection with  
29 repairs to a structure damaged by a natural disaster (subd. (a), Sec.  
30 667.16, Pen. C.).
- 31 (10) Impersonating a peace officer during the commission of a  
32 felony (Sec. 667.17, Pen. C.).
- 33 (11) Felony conviction of any specified offense, including, but  
34 not limited to, forgery, grand theft, and false pretenses, as part of  
35 a plan or scheme to defraud an owner in connection with repairs  
36 to a structure damaged by natural disaster with a prior felony  
37 conviction of any of those offenses (subd. (c), Sec. 670, Pen. C.).
- 38 (12) Commission or attempted commission of a felony while  
39 armed with a firearm (para. (1), subd. (a), Sec. 12022, Pen. C.).



1 (13) Personally using a deadly or dangerous weapon in the  
2 commission or attempted commission of a felony (para. (1), subd.  
3 (b), Sec. 12022, Pen. C.).

4 (14) Taking, damaging, or destroying any property in the  
5 commission or attempted commission of a felony with the intent  
6 to cause that taking, damage, or destruction when the loss exceeds  
7 fifty thousand dollars (\$50,000) (para. (1), subd. (a), Sec. 12022.6,  
8 Pen. C.).

9 (15) Transferring, lending, selling, or giving any assault  
10 weapon to a minor (para. (2), subd. (a), Sec. 12280, Pen. C.).

11 (16) Manufacturing, causing to be manufactured, distributing,  
12 transporting, importing, keeping for sale, offering or exposing for  
13 sale, giving, or lending any assault weapon while committing  
14 another crime (subd. (e), Sec. 12280, Pen. C.).

15 (17) Inducing, employing, or using a minor to commit a drug  
16 offense involving heroin, cocaine, or cocaine base, or unlawfully  
17 furnishing one of these controlled substances to a minor, upon the  
18 grounds of, or within, a church, playground, youth center, child  
19 day care facility, or public swimming pool during business hours  
20 or whenever minors are using the facility (para. (1), subd. (a), Sec.  
21 11353.1, H.& S.C.).

22 (18) Inducing another person to commit a drug offense as part  
23 of the drug transaction for which the defendant is convicted when  
24 the value of the controlled substance involved exceeds five  
25 hundred thousand dollars (\$500,000) (para. (1), subd. (a), Sec.  
26 11356.5, H.& S.C.).

27 (19) Manufacturing, compounding, converting, producing,  
28 deriving, processing, or preparing methamphetamine or  
29 phencyclidine (PCP), or attempting to commit any of those acts,  
30 or possessing specified combinations of substances with the intent  
31 to manufacture either methamphetamine or phencyclidine (PCP),  
32 when the commission or attempted commission of the offense  
33 causes the death or great bodily injury of another person other than  
34 an accomplice (subd. (a), Sec. 11379.9, H.& S.C.).

35 (20) Using a minor to commit a drug offense involving  
36 phencyclidine (PCP), methamphetamine, or lysergic acid  
37 diethylamide (LSD), or unlawfully furnishing one of these  
38 controlled substances to a minor, when the commission of the  
39 offense occurs upon the grounds of, or within, a church,  
40 playground, youth center, child day care facility, or public



1 swimming pool during business hours or whenever minors are  
2 using the facility (para. (1), subd. (a), Sec. 11380.1, H.& S.C.).

3 (21) Possessing for sale, or selling, heroin, cocaine, cocaine  
4 base, methamphetamine, or phencyclidine (PCP), when the  
5 commission of the offense occurs upon the grounds of a public  
6 park, public library, or oceanfront beach (para. (1), subd. (a), Sec.  
7 11380.5, H.& S.C.).

8 (22) Causing bodily injury or death to more than one victim in  
9 any one instance of driving under the influence of any alcoholic  
10 beverage or drug (Sec. 23558, Veh. C.).

11 (23) Fraudulently appropriating food stamps, electronically  
12 transferred benefits, or authorizations to participate in the federal  
13 Food Stamp Program entrusted to a public employee, or  
14 knowingly using, transferring, selling, purchasing, or possessing  
15 any of the same in an unauthorized manner, when the offense is  
16 committed by means of an electronic transfer of benefits in an  
17 amount exceeding fifty thousand dollars (\$50,000), but less than  
18 one hundred fifty thousand dollars (\$150,000) (subpara. (A), para.  
19 (1), subd. (h), Sec. 10980, W.& I.C.).

20 (b) The provisions listed in this subdivision imposing a  
21 sentence enhancement of one, two, or three years' imprisonment  
22 in the state prison may be referenced as Schedule B.

23 (1) Commission or attempted commission of a felony hate  
24 crime (subd. (a), Sec. 422.75, Pen. C.).

25 (2) Commission or attempted commission of a felony against  
26 the property of a public or private institution because the property  
27 is associated with a person or group of identifiable race, color,  
28 religion, nationality, country of origin, ancestry, gender, disability,  
29 or sexual orientation (subd. (b), Sec. 422.75, Pen. C.).

30 (3) Felony conviction of unlawfully causing a fire of any  
31 structure, forest land, or property when the defendant has been  
32 previously convicted of arson or unlawfully causing a fire, or when  
33 a firefighter, peace officer, or emergency personnel suffered great  
34 bodily injury, or when the defendant proximately caused great  
35 bodily injury to more than one victim, or caused multiple  
36 structures to burn (subd. (a), Sec. 452.1, Pen. C.).

37 (4) Carrying a loaded or unloaded firearm during the  
38 commission or attempted commission of any felony street gang  
39 crime (subd. (a), Sec. 12021.5, Pen. C.).



1 (5) Personally using a deadly or dangerous weapon in the  
2 commission of carjacking or attempted carjacking (para. (2), subd.  
3 (b), Sec. 12022, Pen. C.).

4 (6) Being a principal in the commission or attempted  
5 commission of any specified drug offense, knowing that another  
6 principal is personally armed with a firearm (subd. (d), Sec. 12022,  
7 Pen. C.).

8 (7) Furnishing or offering to furnish a firearm to another for the  
9 purpose of aiding, abetting, or enabling that person or any other  
10 person to commit a felony (Sec. 12022.4, Pen. C.).

11 (8) Selling, supplying, delivering, or giving possession or  
12 control of a firearm to any person within a prohibited class or to  
13 a minor when the firearm is used in the subsequent commission of  
14 a felony (para. (4), subd. (g), Sec. 12072, Pen. C.).

15 (9) Inducing, employing, or using a minor who is at least four  
16 years younger than the defendant to commit a drug offense  
17 involving any specified controlled substance, including, but not  
18 limited to, heroin, cocaine, and cocaine base, or unlawfully  
19 providing one of these controlled substances to a minor (para. (3),  
20 subd. (a), Sec. 11353.1, H.& S.C.).

21 (10) Prior conviction of inducing, employing, or using a minor  
22 to commit a drug offense involving cocaine base, or unlawfully  
23 providing cocaine base to a minor that resulted in a prison sentence  
24 with a current conviction of the same offense (subd. (a), Sec.  
25 11353.4, H.& S.C.).

26 (11) Prior conviction of inducing, employing, or using a minor  
27 to commit a drug offense involving cocaine base, or unlawfully  
28 providing cocaine base to a minor with a current conviction of the  
29 same offense involving a minor who is 14 years of age or younger  
30 (subd. (b), Sec. 11353.4, H.& S.C.).

31 (12) Inducing, employing, or using a minor who is at least four  
32 years younger than the defendant to commit a drug offense  
33 involving any specified controlled substance, including, but not  
34 limited to, phencyclidine (PCP), methamphetamine, and lysergic  
35 acid diethylamide (LSD), or unlawfully providing one of these  
36 controlled substances to a minor (para. (3), subd. (a), Sec. 11380.1,  
37 H.& S.C.).

38 (13) Causing great bodily injury or a substantial probability  
39 that death could result by the knowing disposal, transport,  
40 treatment, storage, burning, or incineration of any hazardous



1 waste at a facility without permits or at an unauthorized point  
2 (subd. (e), Sec. 25189.5, and subd. (c), Sec. 25189.7, H.& S.C.).

3 (c) The provisions listed in this subdivision imposing a  
4 sentence enhancement of one, two, or five years' imprisonment in  
5 the state prison may be referenced as Schedule C.

6 (1) Wearing a bullet-resistant body vest in the commission or  
7 attempted commission of a violent offense (subd. (b), Sec.  
8 12022.2, Pen. C.).

9 (2) Commission or attempted commission of any specified sex  
10 offense while armed with a firearm or deadly weapon (subd. (b),  
11 Sec. 12022.3, Pen. C.).

12 (d) The provisions listed in this subdivision imposing a  
13 sentence enhancement of 16 months, or two or three years'  
14 imprisonment in the state prison may be referenced as Schedule D.

15 Knowing failure to register pursuant to Section 186.30 and  
16 subsequent conviction or violation of Section 186.30, as specified  
17 (para. (1), subd. (b), Sec. 186.33, Pen. C.).

18 (e) The provisions listed in this subdivision imposing a  
19 sentence enhancement of two years' imprisonment in the state  
20 prison may be referenced as Schedule E.

21 (1) Money laundering when the value of the transactions  
22 exceeds one hundred fifty thousand dollars (\$150,000), but is less  
23 than one million dollars (\$1,000,000) (subpara. (B), para. (1),  
24 subd. (c), Sec. 186.10, Pen. C.).

25 (2) Commission of two or more related felonies, a material  
26 element of which is fraud or embezzlement, which involve a  
27 pattern of related felony conduct, involving the taking of more  
28 than one hundred fifty thousand dollars (\$150,000) (para. (3),  
29 subd. (a), Sec. 186.11, Pen. C.).

30 (3) Conviction of any specified felony sex offense that is  
31 committed after fleeing to this state under specified circumstances  
32 (subd. (d), Sec. 289.5, Pen. C.).

33 (4) Prior conviction of any specified insurance fraud offense  
34 with current conviction of willfully injuring, destroying,  
35 secreting, abandoning, or disposing of any property insured  
36 against loss or damage by theft, embezzlement, or any casualty  
37 with the intent to defraud or prejudice the insurer (subd. (b), Sec.  
38 548, Pen. C.).

39 (5) Prior conviction of any specified insurance fraud offense  
40 with current conviction of knowingly presenting any false or



1 fraudulent insurance claim or multiple claims for the same loss or  
2 injury, or knowingly causing or participating in a vehicular  
3 collision for the purpose of presenting any false or fraudulent  
4 claim, or providing false or misleading information or concealing  
5 information for purpose of insurance fraud (subd. (e), Sec. 550,  
6 Pen. C.).

7 (6) Causing serious bodily injury as a result of knowingly  
8 causing or participating in a vehicular collision or accident for the  
9 purpose of presenting any false or fraudulent claim (subd. (g), Sec.  
10 550, Pen. C.).

11 (7) Harming, obstructing, or interfering with any horse or dog  
12 being used by any peace officer in the discharge or attempted  
13 discharge of his or her duties and, with the intent to cause great  
14 bodily injury, personally causing great bodily injury to any person  
15 other than an accomplice (subd. (d), Sec. 600, Pen. C.).

16 (8) Prior conviction of any specified offense with current  
17 conviction of any of those offenses committed against a person  
18 who is 65 years of age or older, blind, a paraplegic or quadriplegic,  
19 or under 14 years of age (subd. (b), Sec. 667.9, Pen. C.).

20 (9) Prior conviction for sexual penetration with current  
21 conviction of the same offense committed against a person who is  
22 65 years of age or older, blind, deaf, developmentally disabled, a  
23 paraplegic or quadriplegic, or under 14 years of age (subd. (a), Sec.  
24 667.10, Pen. C.).

25 (10) Showing child pornography to a minor prior to or during  
26 the commission or attempted commission of continuous sexual  
27 abuse of the minor (subd. (b), Sec. 667.15, Pen. C.).

28 (11) Primary care provider in a day care facility committing  
29 any specified felony sex offense against a minor entrusted to his  
30 or her care (subd. (a), Sec. 674, Pen. C.).

31 (12) Commission of a felony offense while released from  
32 custody on bail or own recognizance (subd. (b), Sec. 12022.1, Pen.  
33 C.).

34 (13) Taking, damaging, or destroying any property in the  
35 commission or attempted commission of a felony with the intent  
36 to cause that taking, damage, or destruction when the loss exceeds  
37 one hundred fifty thousand dollars (\$150,000) (para. (2), subd. (a),  
38 Sec. 12022.6, Pen. C.).

39 (14) Inducing, employing, or using a minor to commit a drug  
40 offense involving heroin, cocaine, or cocaine base, or unlawfully



1 furnishing one of these controlled substances to a minor, upon, or  
2 within 1,000 feet of, the grounds of a school during school hours  
3 or whenever minors are using the facility (para. (2), subd. (a), Sec.  
4 11353.1, H.& S.C.).

5 (15) Inducing another person to commit a drug offense as part  
6 of the drug transaction for which the defendant is convicted when  
7 the value of the controlled substance involved exceeds two million  
8 dollars (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5, H.& S.C.).

9 (16) Manufacturing, compounding, converting, producing,  
10 deriving, processing, or preparing methamphetamine or  
11 phencyclidine (PCP), or attempting to commit any of those acts,  
12 or possessing specified combinations of substances with the intent  
13 to manufacture either methamphetamine or phencyclidine (PCP),  
14 when the commission or attempted commission of the crime  
15 occurs in a structure where any child under 16 years of age is  
16 present or resides (subd. (a), Sec. 11379.7, H.& S.C.).

17 (17) Using a minor to commit a drug offense involving  
18 phencyclidine (PCP), methamphetamine, or lysergic acid  
19 diethylamide (LSD), or unlawfully furnishing one of these  
20 controlled substances to a minor, upon, or within 1,000 feet of, the  
21 grounds of a school during school hours or whenever minors are  
22 using the facility (para. (2), subd. (a), Sec. 11380.1, H.& S.C.).

23 (18) Prior felony conviction of any specified insurance fraud  
24 offense with a current conviction of making false or fraudulent  
25 statements concerning a workers' compensation claim (subd. (c),  
26 Sec. 1871.4, Ins. C.).

27 (19) Prior felony conviction of making or causing to be made  
28 any knowingly false or fraudulent statement of any fact material  
29 to the determination of the premium, rate, or cost of any policy of  
30 workers' compensation insurance for the purpose of reducing the  
31 premium, rate, or cost of the insurance with a current conviction  
32 of the same offense (subd. (b), Sec. 11760, Ins. C.).

33 (20) Prior felony conviction of making or causing to be made  
34 any knowingly false or fraudulent statement of any fact material  
35 to the determination of the premium, rate, or cost of any policy of  
36 workers' compensation insurance issued or administered by the  
37 State Compensation Insurance Fund for the purpose of reducing  
38 the premium, rate, or cost of the insurance with a current  
39 conviction of the same offense (subd. (b), Sec. 11880, Ins. C.).



1 (21) Fraudulently appropriating food stamps, electronically  
2 transferred benefits, or authorizations to participate in the federal  
3 Food Stamp Program entrusted to a public employee, or  
4 knowingly using, transferring, selling, purchasing, or possessing,  
5 any of the same in an unauthorized manner, when the offense is  
6 committed by means of an electronic transfer of benefits in an  
7 amount exceeding one hundred fifty thousand dollars (\$150,000),  
8 but less than one million dollars (\$1,000,000) (subpara. (B), para.  
9 (1), subd. (h), Sec. 10980, W.& I.C.).

10 (f) The provisions listed in this subdivision imposing a  
11 sentence enhancement of two, three, or four years' imprisonment  
12 in the state prison may be referenced as Schedule F.

13 (1) Commission of a felony, other than a serious or violent  
14 felony, for the benefit of, at the direction of, or in association with,  
15 any criminal street gang, with the specific intent to promote,  
16 further, or assist in any criminal conduct by gang members  
17 (subpara. (A), para. (1), subd. (b), Sec. 186.22, Pen. C.).

18 (2) Acting in concert with another person or aiding or abetting  
19 another person in committing or attempting to commit a felony  
20 hate crime (subd. (c), Sec. 422.75, Pen. C.).

21 (3) Carrying a loaded or unloaded firearm together with a  
22 detachable shotgun magazine, a detachable pistol magazine, a  
23 detachable magazine, or a belt-feeding device during the  
24 commission or attempted commission of any felony street gang  
25 crime (subd. (b), Sec. 12021.5, Pen. C.).

26 (g) The provisions listed in this subdivision imposing a  
27 sentence enhancement of two, three, or five years' imprisonment  
28 in the state prison may be referenced as Schedule G.

29 Commission of two or more related felonies, a material element  
30 of which is fraud or embezzlement, which involve a pattern of  
31 related felony conduct, involving the taking of more than five  
32 hundred thousand dollars (\$500,000) (para. (2), subd. (a), Sec.  
33 186.11, Pen. C.).

34 (h) The provisions listed in this subdivision imposing a  
35 sentence enhancement of three years' imprisonment in the state  
36 prison may be referenced as Schedule H.

37 (1) Money laundering when the value of transactions exceeds  
38 one million dollars (\$1,000,000), but is less than two million five  
39 hundred thousand dollars (\$2,500,000) (subpara. (C), para. (1),  
40 subd. (c), Sec. 186.10, Pen. C.).



- 1 (2) Solicitation, recruitment, or coercion, of a minor to actively  
2 participate in a criminal street gang (subd. (d), Sec. 186.26, Pen.  
3 C.).
- 4 (3) Willfully mingling any poison or harmful substance which  
5 may cause death if ingested, or which causes the infliction of great  
6 bodily injury on any person, with any food, drink, medicine, or  
7 pharmaceutical product or willfully placing that poison or harmful  
8 substance in any spring, well, reservoir, or public water supply  
9 (para. (2), subd. (a), Sec. 347, Pen. C.).
- 10 (4) Causing great bodily injury by willfully causing or  
11 permitting any elder or dependent adult to suffer, or inflicting pain  
12 or mental suffering upon, or endangering the health of, an elder or  
13 dependent adult when the victim is under 70 years of age (subpara.  
14 (A), para. (2), subd. (b), Sec. 368, Pen. C.).
- 15 (5) Maliciously driving or placing, in any tree, saw-log,  
16 shingle-bolt, or other wood, any iron, steel, ceramic, or other  
17 substance sufficiently hard to injure saws and causing bodily  
18 injury to another person other than an accomplice (subd. (b), Sec.  
19 593a, Pen. C.).
- 20 (6) Prior prison term for violent felony with current violent  
21 felony conviction (subd. (a), Sec. 667.5, Pen. C.).
- 22 (7) Commission of any specified felony sex offense by a  
23 primary care provider in a day care facility against a minor  
24 entrusted to his or her care while voluntarily acting in concert with  
25 another (subd. (b), Sec. 674, Pen. C.).
- 26 (8) Commission or attempted commission of a felony while  
27 armed with an assault weapon or a machinegun (para. (2), subd.  
28 (a), Sec. 12022, Pen. C.).
- 29 (9) Taking, damaging, or destroying any property in the  
30 commission or attempted commission of a felony with the intent  
31 to cause that taking, damage, or destruction when the loss exceeds  
32 one million dollars (\$1,000,000) (para. (3), subd. (a), Sec.  
33 12022.6, Pen. C.).
- 34 (10) Personally inflicting great bodily injury on any person  
35 other than an accomplice in the commission or attempted  
36 commission of a felony (subd. (a), Sec. 12022.7, Pen. C.).
- 37 (11) Administering by injection, inhalation, ingestion, or any  
38 other means, any specified controlled substance against the  
39 victim's will by means of force, violence, or fear of immediate and



1 unlawful bodily injury to the victim or another person for the  
2 purpose of committing a felony (Sec. 12022.75, Pen. C.).

3 (12) Commission of any specified sex offense with knowledge  
4 that the defendant has acquired immune deficiency syndrome  
5 (AIDS) or with the knowledge that he or she carries antibodies of  
6 the human immunodeficiency virus at the time of the commission  
7 of the offense (subd. (a), Sec. 12022.85, Pen. C.).

8 (13) Inducing another person to commit a drug offense as part  
9 of the drug transaction for which the defendant is convicted when  
10 the value of the controlled substance involved exceeds five million  
11 dollars (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5, H.& S.C.).

12 (14) Prior conviction of any specified drug offense with current  
13 conviction of any specified drug offense (subs. (a), (b), and (c),  
14 Sec. 11370.2, H.& S.C.).

15 (15) Commission of any specified drug offense involving a  
16 substance containing heroin, cocaine base, cocaine,  
17 methamphetamine, amphetamine, or phencyclidine (PCP), when  
18 the substance exceeds one kilogram or 30 liters (para. (1), subd.  
19 (a), and para. (1), subd. (b), Sec. 11370.4, H.& S.C.).

20 (16) Manufacturing, compounding, converting, producing,  
21 deriving, processing, or preparing any substance containing  
22 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
23 analogs or precursors, or attempting to commit any of those acts,  
24 when the substance exceeds three gallons or one pound (para. (1),  
25 subd. (a), Sec. 11379.8, H.& S.C.).

26 (17) Four or more prior convictions of specified  
27 alcohol-related vehicle offenses with current conviction of driving  
28 under the influence and causing great bodily injury (subd. (c), Sec.  
29 23566, Veh. C.).

30 (18) Fraudulently appropriating food stamps, electronically  
31 transferred benefits, or authorizations to participate in the federal  
32 Food Stamp Program entrusted to a public employee, or  
33 knowingly using, transferring, selling, purchasing, or possessing,  
34 any of the same in an unauthorized manner, when the offense is  
35 committed by means of an electronic transfer of benefits in an  
36 amount exceeding one million dollars (\$1,000,000), but less than  
37 two million five hundred thousand dollars (\$2,500,000) (subpara.  
38 (C), para. (1), subd. (h), Sec. 10980, W.& I.C.).



1 (i) The provisions listed in this subdivision imposing a  
2 sentence enhancement of three, four, or five years' imprisonment  
3 in the state prison may be referenced as Schedule I.

4 (1) Commission of felony arson with prior conviction of arson  
5 or unlawfully starting a fire, or causing great bodily injury to a  
6 firefighter, peace officer, other emergency personnel, or multiple  
7 victims, or causing the burning of multiple structures, or using an  
8 accelerator or ignition delay device (subd. (a), Sec. 451.1, Pen.  
9 C.).

10 (2) Commission or attempted commission of any specified  
11 drug offense while personally armed with a firearm (subd. (c), Sec.  
12 12022, Pen. C.).

13 (3) Personally inflicting great bodily injury under  
14 circumstances involving domestic violence in the commission or  
15 attempted commission of a felony (subd. (e), Sec. 12022.7, Pen.  
16 C.).

17 (4) Commission of any specified drug offense involving  
18 cocaine base, heroin, or methamphetamine, or a conspiracy to  
19 commit any of those offenses, upon the grounds of, or within 1,000  
20 feet of, a school during school hours or when minors are using the  
21 facility (subd. (b), Sec. 11353.6, H.& S.C.).

22 (5) Commission of any specified drug offense involving  
23 cocaine base, heroin, or methamphetamine, or a conspiracy to  
24 violate any of those offenses, involving a minor who is at least four  
25 years younger than the defendant (subd. (c), Sec. 11353.6, H.&  
26 S.C.).

27 (j) The provisions listed in this subdivision imposing a  
28 sentence enhancement of 3, 4, or 10 years' imprisonment in the  
29 state prison may be referenced as Schedule J.

30 (1) Commission or attempted commission of any felony while  
31 armed with a firearm and in the immediate possession of  
32 ammunition for the firearm designed primarily to penetrate metal  
33 or armor (subd. (a), Sec. 12022.2, Pen. C.).

34 (2) Commission or attempted commission of any specified sex  
35 offense while using a firearm or deadly weapon (subd. (a), Sec.  
36 12022.3, Pen. C.).

37 (3) Commission or attempted commission of a felony while  
38 personally using a firearm (para. (1), subd. (a), Sec. 12022.5, Pen.  
39 C.).



1 (4) Commission or attempted commission of any specified  
2 drug offense while personally using a firearm (subd. (c), Sec.  
3 12022.5, Pen. C.).

4 (k) The provisions listed in this subdivision imposing a  
5 sentence enhancement of four years' imprisonment in the state  
6 prison may be referenced as Schedule K.

7 (1) Money laundering when the value of transactions exceeds  
8 two million five hundred thousand dollars (\$2,500,000) (subpara.  
9 (D), para. (1), subd. (c), Sec. 186.10, Pen. C.).

10 (2) Prior conviction of willfully inflicting upon a child any  
11 cruel or inhuman corporal punishment or injury resulting in a  
12 traumatic condition with current conviction of that offense (subd.  
13 (b), Sec. 273d, Pen. C.).

14 (3) Taking, damaging, or destroying any property in the  
15 commission or attempted commission of a felony with the intent  
16 to cause that taking, damage, or destruction when the loss exceeds  
17 two million five hundred thousand dollars (\$2,500,000) (para. (4),  
18 subd. (a), Sec. 12022.6, Pen. C.).

19 (4) Personally, willfully, and maliciously discharging a firearm  
20 from a motor vehicle at another person other than an occupant of  
21 a motor vehicle and causing a victim to suffer paralysis or  
22 paraparesis of a major body part (para. (1), subd. (b), Sec. 12022.9,  
23 Pen. C.).

24 (5) Personally, willfully, and maliciously discharging a firearm  
25 from a motor vehicle at another occupied motor vehicle and  
26 causing a victim to suffer paralysis or paraparesis of a major body  
27 part (para. (2), subd. (b), Sec. 12022.9, Pen. C.).

28 (6) Willfully causing or permitting any child to suffer, or  
29 inflicting on the child unjustifiable physical pain or injury that  
30 results in death under circumstances or conditions likely to  
31 produce great bodily harm or death, or, having the care or custody  
32 of any child, willfully causing or permitting that child to be injured  
33 or harmed under circumstances likely to produce great bodily  
34 harm or death, when that injury or harm results in death (Sec.  
35 12022.95, Pen. C.).

36 (7) Fraudulently appropriating food stamps, electronically  
37 transferred benefits, or authorizations to participate in the federal  
38 Food Stamp Program entrusted to a public employee, or  
39 knowingly using, transferring, selling, purchasing, or possessing,  
40 any of the same in an unauthorized manner, when the offense is



1 committed by means of an electronic transfer of benefits in an  
 2 amount exceeding two million five hundred thousand dollars  
 3 (\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec. 10980, W.&  
 4 I.C.).

5 (8) Execution of a scheme or artifice to defraud the Medi-Cal  
 6 program or any other health care program administered by the  
 7 State Department of Health Services or its agents or contractors,  
 8 or to obtain under false or fraudulent pretenses, representations, or  
 9 promises any property owned by or under the custody of the  
 10 Medi-Cal program or any health care program administered by the  
 11 department, its agents, or contractors under circumstances likely  
 12 to cause or that do cause two or more persons great bodily injury  
 13 (subd. (d), Sec. 14107, W.& I.C.).

14 (l) The provisions listed in this subdivision imposing a  
 15 sentence enhancement of four, five, or six years' imprisonment in  
 16 the state prison may be referenced as Schedule L.

17 Personally inflicting great bodily injury on a child under the age  
 18 of five years in the commission or attempted commission of a  
 19 felony (subd. (d), Sec. 12022.7, Pen. C.).

20 (m) The provisions listed in this subdivision imposing a  
 21 sentence enhancement of 4, 5, or 10 years' imprisonment in the  
 22 state prison may be referenced as Schedule M.

23 Commission or attempted commission of a felony while  
 24 personally using a firearm with prior conviction of carjacking or  
 25 attempted carjacking (para. (2), subd. (a), Sec. 12022.5, Pen. C.).

26 (n) The provisions listed in this subdivision imposing a  
 27 sentence enhancement of five years' imprisonment in the state  
 28 prison may be referenced as Schedule N.

29 (1) Commission of a serious felony for the benefit of, at the  
 30 direction of, or in association with, any criminal street gang, with  
 31 the specific intent to promote, further, or assist in any criminal  
 32 conduct by gang members (subpara. (B), para. (1), subd. (b), Sec.  
 33 186.22, Pen. C.).

34 (2) Using sex offender registration information to commit a  
 35 felony (para. (1), subd. (q), Sec. 290, and para. (1), subd. (b), Sec.  
 36 290.4, Pen. C.).

37 (3) Causing great bodily injury by willfully causing or  
 38 permitting any elder or dependent adult to suffer, or inflicting pain  
 39 or mental suffering upon, or endangering the health of, an elder or



1 dependent adult when the victim is 70 years of age or older  
2 (subpara. (B), para. (2), subd. (b), Sec. 368, Pen. C.).

3 (4) Causing death by willfully causing or permitting any elder  
4 or dependent adult to suffer, or inflicting pain or mental suffering  
5 upon, or endangering the health of, an elder or dependent adult  
6 when the victim is under 70 years of age (subpara. (A), para. (3),  
7 subd. (b), Sec. 368, Pen. C.).

8 (5) Two prior felony convictions of knowingly causing or  
9 participating in a vehicular collision or accident for the purpose of  
10 presenting any false or fraudulent claim with current conviction of  
11 the same (subd. (f), Sec. 550, Pen. C.).

12 (6) Prior conviction of a serious felony with current conviction  
13 of a serious felony (para. (1), subd. (a), Sec. 667, Pen. C.).

14 (7) Prior conviction of any specified sex offense with current  
15 conviction of lewd and lascivious acts with a child under 14 years  
16 of age (subd. (a), Sec. 667.51, Pen. C.).

17 (8) Prior conviction of any specified sex offense with current  
18 conviction of any of those sex offenses (subd. (a), Sec. 667.6, Pen.  
19 C.).

20 (9) Kidnapping or carrying away any child under 14 years of  
21 age with the intent to permanently deprive the parent or legal  
22 guardian custody of that child (Sec. 667.85, Pen. C.).

23 (10) Personally inflicting great bodily injury on any person  
24 other than an accomplice in the commission or attempted  
25 commission of a felony that causes the victim to become comatose  
26 due to a brain injury or to suffer paralysis of a permanent nature  
27 (subd. (b), Sec. 12022.7, Pen. C.).

28 (11) Personally inflicting great bodily injury on another person  
29 who is 70 years of age or older other than an accomplice in the  
30 commission or attempted commission of a felony (subd. (c), Sec.  
31 12022.7, Pen. C.).

32 (12) Inflicting great bodily injury on any victim in the  
33 commission or attempted commission of any specified sex offense  
34 (Sec. 12022.8, Pen. C.).

35 (13) Personally and intentionally inflicting injury upon a  
36 pregnant woman during the commission or attempted commission  
37 of a felony that results in the termination of the pregnancy when  
38 the defendant knew or reasonably should have known that the  
39 victim was pregnant (subd. (a), Sec. 12022.9, Pen. C.).



1 (14) Using information disclosed to the licensee of a  
2 community care facility by a prospective client regarding his or her  
3 status as a sex offender to commit a felony (subd. (c), Sec. 1522.01,  
4 H.& S.C.).

5 (15) Commission of any specified drug offense involving a  
6 substance containing heroin, cocaine base, cocaine,  
7 methamphetamine, amphetamine, or phencyclidine (PCP), when  
8 the substance exceeds 4 kilograms or 100 liters (para. (2), subd.  
9 (a), and para. (2), subd. (b), Sec. 11370.4, H.& S.C.).

10 (16) Manufacturing, compounding, converting, producing,  
11 deriving, processing, or preparing methamphetamine or  
12 phencyclidine (PCP), or attempting to commit any of those acts,  
13 or possessing specified combinations of substances with the intent  
14 to manufacture either methamphetamine or phencyclidine (PCP),  
15 when the commission of the crime causes any child under 16 years  
16 of age to suffer great bodily injury (subd. (b), Sec. 11379.7, H.&  
17 S.C.).

18 (17) Manufacturing, compounding, converting, producing,  
19 deriving, processing, or preparing any substance containing  
20 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
21 analogs or precursors, or attempting to commit any of those acts,  
22 when the substance exceeds 10 gallons or three pounds (para. (2),  
23 subd. (a), Sec. 11379.8, H.& S.C.).

24 (18) Fleeing the scene of the crime after commission of  
25 vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).

26 (o) The provisions listed in this subdivision imposing a  
27 sentence enhancement of 5, 6, or 10 years' imprisonment in the  
28 state prison may be referenced as Schedule O.

29 (1) Discharging a firearm at an occupied motor vehicle in the  
30 commission or attempted commission of a felony which caused  
31 great bodily injury or death to another person (para. (1), subd. (b),  
32 Sec. 12022.5, Pen. C.).

33 (2) Commission or attempted commission of a felony while  
34 personally using an assault weapon or a machinegun (para. (2),  
35 subd. (b), Sec. 12022.5, Pen. C.).

36 (3) Discharging a firearm from a motor vehicle in the  
37 commission or attempted commission of a felony with the intent  
38 to inflict great bodily injury or death and causing great bodily  
39 injury or death (Sec. 12022.55, Pen. C.).



1 (p) The provisions listed in this subdivision imposing a  
2 sentence enhancement of seven years' imprisonment in the state  
3 prison may be referenced as Schedule P.

4 Causing death by willfully causing or permitting any elder or  
5 dependent adult to suffer, or inflicting pain or mental suffering  
6 upon, or endangering the health of, an elder or dependent adult  
7 when the victim is 70 years of age or older (subpara. (B), para. (3),  
8 subd. (b), Sec. 368, Pen. C.).

9 (q) The provisions listed in this subdivision imposing a  
10 sentence enhancement of nine years' imprisonment in the state  
11 prison may be referenced as Schedule Q.

12 Kidnapping a victim for the purpose of committing any  
13 specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).

14 (r) The provisions listed in this subdivision imposing a  
15 sentence enhancement of 10 years' imprisonment in the state  
16 prison may be referenced as Schedule R.

17 (1) Commission of a violent felony for the benefit of, at the  
18 direction of, or in association with, any criminal street gang, with  
19 the specific intent to promote, further, or assist in any criminal  
20 conduct by gang members (subpara. (C), para. (1), subd. (b), Sec.  
21 186.22, Pen. C.).

22 (2) Two or more prior prison terms for any specified sex  
23 offense with current conviction of any of those sex offenses (subd.  
24 (b), Sec. 667.6, Pen. C.).

25 (3) Commission or attempted commission of any specified  
26 felony offense while personally using a firearm (subd. (b), Sec.  
27 12022.53, Pen. C.).

28 (4) Commission of any specified drug offense involving a  
29 substance containing heroin, cocaine base, cocaine,  
30 methamphetamine, amphetamine, or phencyclidine (PCP), when  
31 the substance exceeds 10 kilograms or 200 liters (para. (3), subd.  
32 (a), and para. (3), subd. (b), Sec. 11370.4, H.& S.C.).

33 (5) Manufacturing, compounding, converting, producing,  
34 deriving, processing, or preparing any substance containing  
35 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
36 analogs or precursors, or attempting to commit any of those acts,  
37 when the substance exceeds 25 gallons or 10 pounds (para. (3),  
38 subd. (a), Sec. 11379.8, H.& S.C.).



1 (s) The provisions listed in this subdivision imposing a  
2 sentence enhancement of 15 years' imprisonment in the state  
3 prison may be referenced as Schedule S.

4 (1) Kidnapping a victim under 14 years of age for the purpose  
5 of committing any specified felony sex offense (subd. (b), Sec.  
6 667.8, Pen. C.).

7 (2) Commission of any specified drug offense involving a  
8 substance containing heroin, cocaine base, cocaine,  
9 methamphetamine, amphetamine, or phencyclidine (PCP), when  
10 the substance exceeds 20 kilograms or 400 liters (para. (4), subd.  
11 (a), and para. (4), subd. (b), Sec. 11370.4, H.& S.C.).

12 (3) Manufacturing, compounding, converting, producing,  
13 deriving, processing, or preparing any substance containing  
14 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
15 analogs or precursors, or attempting to commit any of those acts,  
16 when the substance exceeds 105 gallons or 44 pounds (para. (4),  
17 subd. (a), Sec. 11379.8, H.& S.C.).

18 (t) The provisions listed in this subdivision imposing a  
19 sentence enhancement of 20 years' imprisonment in the state  
20 prison may be referenced as Schedule T.

21 (1) Intentionally and personally discharging a firearm in the  
22 commission or attempted commission of any specified felony  
23 offense (subd. (c), Sec. 12022.53, Pen. C.).

24 (2) Commission of any specified drug offense involving a  
25 substance containing heroin, cocaine base, or cocaine, when the  
26 substance exceeds 40 kilograms (para. (5), subd. (a), Sec. 11370.4,  
27 H.& S.C.).

28 (u) The provisions listed in this subdivision imposing a  
29 sentence enhancement of 25 years' imprisonment in the state  
30 prison may be referenced as Schedule U.

31 Commission of any specified drug offense involving a  
32 substance containing heroin, cocaine base, or cocaine, when the  
33 substance exceeds 80 kilograms (para. (6), subd. (a), Sec. 11370.4,  
34 H.& S.C.).

35 (v) The provisions listed in this subdivision imposing a  
36 sentence enhancement of 25 years to life imprisonment in the state  
37 prison may be referenced as Schedule V.

38 Intentionally and personally discharging a firearm in the  
39 commission or attempted commission of any specified felony



1 offense and proximately causing great bodily injury to any person  
2 other than an accomplice (subd. (d), Sec. 12022.53, Pen. C.).

3 ~~SEC. 3.—Section 11160 of the Penal Code is amended to read:~~

4 ~~11160. (a) Any health practitioner employed in a health~~  
5 ~~facility, clinic, physician’s office, local or state public health~~  
6 ~~department, or a clinic or other type of facility operated by a local~~  
7 ~~or state public health department who, in his or her professional~~  
8 ~~capacity or within the scope of his or her employment, provides~~  
9 ~~medical services for a physical condition to a patient whom he or~~  
10 ~~she knows or reasonably suspects is a person described as follows;~~  
11 ~~shall immediately make a report in accordance with subdivision~~  
12 ~~(b):~~

13 ~~(1) Any person suffering from any wound or other physical~~  
14 ~~injury inflicted by his or her own act or inflicted by another where~~  
15 ~~the injury is by means of a firearm.~~

16 ~~(2) (A) Any person suffering from any wound or other~~  
17 ~~physical injury inflicted upon the person where the injury is the~~  
18 ~~result of assaultive or abusive conduct.~~

19 ~~(B) For the purposes of this paragraph, “physical injury”~~  
20 ~~includes, but is not limited to, the detection of amphetamine,~~  
21 ~~methamphetamine, lysergic acid diethylamide, phenylelidine, or~~  
22 ~~any metabolite of these controlled substances, in the saliva, urine,~~  
23 ~~or blood of any child under 12 years of age.~~

24 ~~(b) Any health practitioner employed in a health facility, clinic,~~  
25 ~~physician’s office, local or state public health department, or a~~  
26 ~~clinic or other type of facility operated by a local or state public~~  
27 ~~health department shall make a report regarding persons described~~  
28 ~~in subdivision (a) to a local law enforcement agency as follows:~~

29 ~~(1) A report by telephone shall be made immediately or as soon~~  
30 ~~as practically possible.~~

31 ~~(2) A written report shall be prepared on the standard form~~  
32 ~~developed in compliance with paragraph (4) of this subdivision,~~  
33 ~~and Section 11160.2, and adopted by the Office of Criminal Justice~~  
34 ~~Planning as of December 31, 2003, or on a form developed and~~  
35 ~~adopted by another state agency that otherwise fulfills the~~  
36 ~~requirements of the standard form. The completed form shall be~~  
37 ~~sent to a local law enforcement agency within two working days~~  
38 ~~of receiving the information regarding the person.~~

39 ~~(3) A local law enforcement agency shall be notified and a~~  
40 ~~written report shall be prepared and sent pursuant to paragraphs (1)~~



1 and (2) even if the person who suffered the wound, other injury,  
2 or assaultive or abusive conduct has expired, regardless of whether  
3 or not the wound, other injury, or assaultive or abusive conduct  
4 was a factor contributing to the death, and even if the evidence of  
5 the conduct of the perpetrator of the wound, other injury, or  
6 assaultive or abusive conduct was discovered during an autopsy.

7 (4) The report shall include, but shall not be limited to, the  
8 following:

9 (A) The name of the injured person, if known.

10 (B) The injured person's whereabouts.

11 (C) The character and extent of the person's injuries.

12 (D) The identity of any person the injured person alleges  
13 inflicted the wound, other injury, or assaultive or abusive conduct  
14 upon the injured person.

15 (e) For the purposes of this section, "injury" shall not include  
16 any psychological or physical condition brought about solely  
17 through the voluntary administration of a narcotic or restricted  
18 dangerous drug.

19 (d) For the purposes of this section, "assaultive or abusive  
20 conduct" shall include any of the following offenses:

21 (1) Murder, in violation of Section 187.

22 (2) Manslaughter, in violation of Section 192 or 192.5.

23 (3) Mayhem, in violation of Section 203.

24 (4) Aggravated mayhem, in violation of Section 205.

25 (5) Torture, in violation of Section 206.

26 (6) Assault with intent to commit mayhem, rape, sodomy, or  
27 oral copulation, in violation of Section 220.

28 (7) Administering controlled substances or anesthetic to aid in  
29 commission of a felony, in violation of Section 222.

30 (8) Battery, in violation of Section 242.

31 (9) Sexual battery, in violation of Section 243.4.

32 (10) Incest, in violation of Section 285.

33 (11) Throwing any vitriol, corrosive acid, or caustic chemical  
34 with intent to injure or disfigure, in violation of Section 244.

35 (12) Assault with a stun gun or taser, in violation of Section  
36 244.5.

37 (13) Assault with a deadly weapon, firearm, assault weapon, or  
38 machinegun, or by means likely to produce great bodily injury, in  
39 violation of Section 245.

40 (14) Rape, in violation of Section 261.



1 ~~(15) Spousal rape, in violation of Section 262.~~

2 ~~(16) Procuring any female to have sex with another man, in~~  
3 ~~violation of Section 266, 266a, 266b, or 266c.~~

4 ~~(17) Child abuse or endangerment, in violation of Section 273a~~  
5 ~~or 273d.~~

6 ~~(18) Abuse of spouse or cohabitant, in violation of Section~~  
7 ~~273.5.~~

8 ~~(19) Sodomy, in violation of Section 286.~~

9 ~~(20) Lewd and lascivious acts with a child, in violation of~~  
10 ~~Section 288.~~

11 ~~(21) Oral copulation, in violation of Section 288a.~~

12 ~~(22) Sexual penetration, in violation of Section 289.~~

13 ~~(23) Elder abuse, in violation of Section 368.~~

14 ~~(24) An attempt to commit any crime specified in paragraphs~~  
15 ~~(1) to (23), inclusive.~~

16 ~~(e) When two or more persons who are required to report are~~  
17 ~~present and jointly have knowledge of a known or suspected~~  
18 ~~instance of violence that is required to be reported pursuant to this~~  
19 ~~section, and when there is an agreement among these persons to~~  
20 ~~report as a team, the team may select by mutual agreement a~~  
21 ~~member of the team to make a report by telephone and a single~~  
22 ~~written report, as required by subdivision (b). The written report~~  
23 ~~shall be signed by the selected member of the reporting team. Any~~  
24 ~~member who has knowledge that the member designated to report~~  
25 ~~has failed to do so shall thereafter make the report.~~

26 ~~(f) The reporting duties under this section are individual,~~  
27 ~~except as provided in subdivision (e).~~

28 ~~(g) No supervisor or administrator shall impede or inhibit the~~  
29 ~~reporting duties required under this section and no person making~~  
30 ~~a report pursuant to this section shall be subject to any sanction for~~  
31 ~~making the report. However, internal procedures to facilitate~~  
32 ~~reporting and apprise supervisors and administrators of reports~~  
33 ~~may be established, except that these procedures shall not be~~  
34 ~~inconsistent with this article. The internal procedures shall not~~  
35 ~~require any employee required to make a report under this article~~  
36 ~~to disclose his or her identity to the employer.~~

37 ~~(h) For the purposes of this section, it is the Legislature's intent~~  
38 ~~to avoid duplication of information.~~

39 ~~SEC. 4.~~



1     *SEC. 3.* No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

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